

**DRAFT** – MAPLE GROVE  
PLANNING COMMISSION  
March 28, 2022

CALL TO ORDER

A meeting of the Maple Grove Planning Commission was held at 7:00 p.m. on March 28, 2022 at the Maple Grove City Hall, Hennepin County, Minnesota. Chair Lamothe called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Planning Commission members present were Chair Craig Lamothe, Chris Ayika, Lorie Klein, Susan Lindeman, Chuck Lenthe, Michael Ostaffe, and Joe Piket. Present also were Karen Jaeger, City Council Liaison; Peter Vickerman, Planning Manager; Jesse Corrow, Associate Planner; and Scott Landsman, City Attorney.

ITEMS TO BE REMOVED FROM THE AGENDA

None.

CONSENT ITEMS

The following Consent Items were presented for the Commission's approval:

**MINUTES**

A. Regular Meeting – March 14, 2022

B. Worksession Meeting – March 14, 2022

**Motion by Commissioner Lenthe, seconded by Commissioner Piket, to approve the Consent Items as presented. Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.**

CONSIDERATION OF ITEMS PULLED FROM CONSENT AGENDA

None.

REVIEW OF THE

Mr. Vickerman reviewed with the Commission what items the City

CITY COUNCIL  
MINUTES FROM  
THEIR REGULAR  
MEETING OF  
MARCH 21, 2022

**OLD BUSINESS**

Council approved that was given direction at the Planning Commission level.

**NEW BUSINESS**

No items to present.

**PUBLIC HEARING**

7103 BIRCHVIEW  
ROAD NORTH

I-SITE  
DEVELOPMENT  
DBA HOME  
BUILDING &  
REMODELING  
EXPERTS (HBRE)

VARIANCE TO  
THE SHORELAND  
SETBACK FOR  
THE PURPOSE OF  
CONSTRUCTING A  
DECK ON THE  
LAKEWARD SIDE  
OF THE EXISTING  
HOME

Mr. Corrow stated the applicant is requesting a variance to the shoreland setback for the purpose of constructing a deck on the lakeward side of the existing home at 7103 Birchview Road N. The deck is proposed to extend off the back of the house and is part of a larger remodel and second floor addition to the home. The property is located near the end of a narrow peninsula that extends from the north shore of Cedar Island Lake. The existing home was constructed in 1963 and similar to many other homes on the peninsula, does not meet the current 75-foot shoreland setback requirement. An existing deck located at the southwest corner of the home further encroaches the shoreland setback and also encroaches the five-foot side yard setback. The distance from the existing deck to the Ordinary High-Water level (OHWL) is 47.6 feet at its nearest point.

Mr. Corrow explained the applicant is proposing to convert the existing deck into an enclosed porch and extend a new deck along the lakeward side of the home. A variance is requested to construct the new deck within 42.5 feet of the OHWL, approximately five feet closer than the existing deck. As mentioned earlier, a second-floor addition is planned for the rambler style home. City code permits the upward expansion of a nonconforming structure as long as it is not constructed beyond its current setback and will otherwise be compliant with all other city ordinances. A separate “expansion permit” will be issued to allow for the addition of a second floor and new porch that replaces the current deck. Staff discussed the plans in further detail and made the following recommendation.

**STAFF RECOMMENDATION:**

Motion to recommend that the City Council direct the City Attorney to draft a resolution approving the 7103 Birchview Road North variance subject to:

The applicant shall acknowledge that Park Dedication requirements are based on staff review and recommendation to the Park and Recreation Board and their subsequent board action. Board meetings are held on the third Thursday of each month.

*Discussion*

*Commissioner Lenthe questioned what the rear yard setback would be if the shoreland ordinance was not in place. Mr. Corrow stated rear yard setbacks were 30 feet, except for properties on lakes, which then had to follow the OHWL and shoreland setbacks.*

*Commissioner Lenthe asked if the City has considered exempting the properties in this neighborhood (10 homes) because they all have encroachments into the 75 foot shoreland setback. Mr. Corrow explained the City has not considered this noting some sort of threshold would still have to be in place.*

*Chair Lamothe inquired if the homes that require variances were constructed prior to the City's shoreland code going into effect. Mr. Corrow reported four homes received variances right after the shoreland setback went into place in 1975. He anticipated they were either new homes or existing homes that required alterations which led to variance requests.*

The applicant was at the meeting to answer questions.

Baxter Boe, 7103 Birchview Road North, thanked the Commission for considering his variance request. He stated he was trying to keep the look and feel of his home consistent with the neighborhood.

Rachel Boe, 7103 Birchview Road North, explained they have lived in Maple Grove for the past five years and absolutely love the community. She indicated she looked forward to investing in her home and the neighborhood to make her property more enjoyable.

Chair Lamothe opened the public hearing at 7:10 p.m.

The public was asked by Chair Lamothe if they had any comments to make regarding this application.

No one wished to address the Commission.

**Motion by Chair Lamothe, seconded by Commissioner Lindeman, to close the public hearing at 7:11 p.m. Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.**

**Motion by Commissioner Piket, seconded by Commissioner Lenthe, to recommend that the City Council direct the City Attorney to draft a resolution approving the 7103 Birchview Road North variance subject to:**

**The applicant shall acknowledge that Park Dedication requirements are based on staff review and recommendation to the Park and Recreation Board and their subsequent board action. Board meetings are held on the third Thursday of each month.**

Commissioner Klein thanked staff for all of the information that was provided to the Commission for this variance request.

Chair Lamothe thanked the applicant for reaching out to their neighbors in order to gain support for the variance request.

**Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.**

## PUBLIC HEARING

ZOTA –  
WETLANDS

CITY OF MAPLE  
GROVE

ZONING

ORDINANCE TEXT  
AMENDMENT FOR  
THE PURPOSE OF  
AMENDING CITY  
CODE ARTICLE  
VII REGARDING  
WETLANDS

Commissioner Klein recused herself from acting on this item.

Mr. Corrow stated staff is proposing a number of changes to the Wetland Ordinance in order to better align city code language with local watershed district standards. Other minor changes were included to clean up language and reflect current practices. Staff discussed the proposed changes in further detail and made the following recommendation.

### **STAFF RECOMMENDATION:**

Motion to recommend that the City Council direct the City Attorney to draft an ordinance approving the zoning ordinance text amendment amending City Code Article VII regarding wetlands.

#### *Discussion*

*Commissioner Lenthe requested further information on how staff works with the watershed to review wetland issues. Mr. Corrow*

*explained when projects are received, staff applies the watershed requirements and the project was then reviewed by the Planning Commission, City Council and the local watershed district.*

*Commissioner Lindeman asked if the review process for wetland alterations had changed. Mr. Corrow reported there was a change in the process. He indicated the City no longer use the CUP process for alterations, rather it was all done through the Technical Evaluation Panel as recommended by the DNR.*

*Chair Lamothe questioned if the City was becoming more consistent with neighboring communities that share the City's watershed districts. Mr. Corrow reported the updates provided greater understanding for buffer requirements and while he didn't have comparisons to other cities, he believed the language would reflect the watershed updates and requirements of other cities.*

*Commissioner Ostaffe inquired if the City should state make a blanket statement like "must follow watershed rules" versus updating the City's ordinance every time the watershed makes a change. Mr. Corrow stated each individual watershed district has slightly different requirements. He indicated the City was working to match the most restrictive requirements, with the understanding the City Council could step back the requirements as needed.*

The applicant was at the meeting to answer questions.

Chair Lamothe opened the public hearing at 7:20 p.m.

The public was asked by Chair Lamothe if they had any comments to make regarding this application.

No one wished to address the Commission.

**Motion by Chair Lamothe, seconded by Commissioner Ostaffe, to close the public hearing at 7:21 p.m. Upon call of the motion by Chair Lamothe, there were six ayes and no nays (Commissioner Klein recused). Motion carried.**

**Motion by Commissioner Ayika, seconded by Commissioner Lenthe, to recommend that the City Council direct the City Attorney to draft an ordinance approving the zoning ordinance text amendment amending City Code Article VII regarding wetlands. Upon call of the motion by Chair Lamothe, there were six ayes and no nays (Commissioner**

**Klein recused). Motion carried.**

DISCUSSION  
ITEMS

There were no discussion items.

ADJOURNMENT

**Motion by Chair Lamothe, seconded by Commissioner Ayika, to adjourn the Planning Commission meeting. Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.**

Chair Lamothe adjourned the meeting at 7:23 p.m. to the next regularly scheduled meeting of the Planning Commission scheduled for April 25, 2022.